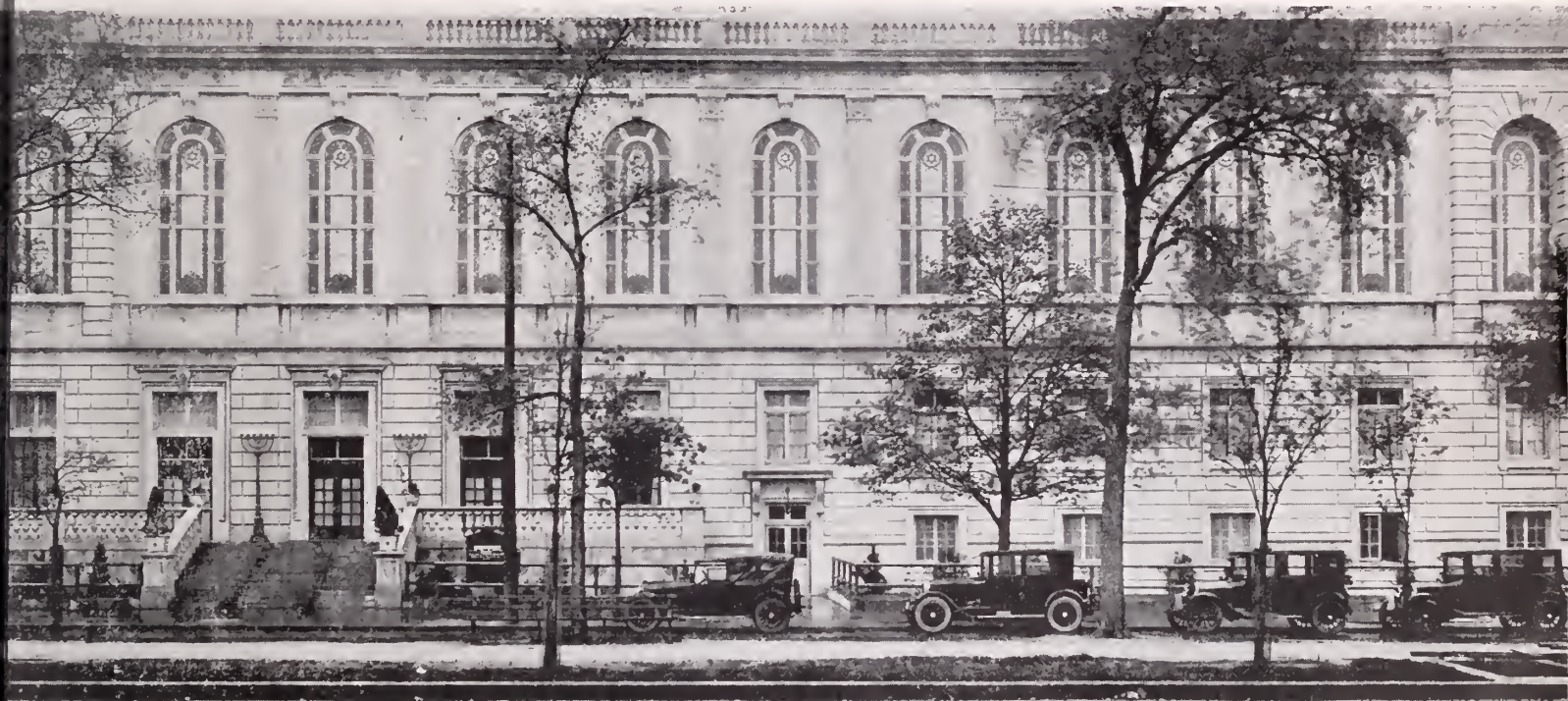


Brooklyn Jewish Center *Review*

Rosh Hashanah, 5739

September, 1978

DEDICATED TO THE CELEBRATION OF OUR 60TH ANNIVERSARY



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By Rabbi Israel H. Levinthal

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New Year Greeting Section

THIS IS THE DAY - - -

LET US CELEBRATE OUR 60TH ANNIVERSARY

Solomon proclaimed

Now the Lord my God
hath given me rest on every side;
I purpose to build a house
for the name of the Lord my God.

He was years in building it

which had been denied the father
And then he prayed:
I have surely built Thee a house of habitation
A place for Thee to dwell in forever.

One thing have I asked of the Lord

that will I seek after:
That I may dwell in the house of the Lord
all the days of my life,
To behold the graciousness of the Lord
and to visit early in His temple.

This is the day which the Lord hath made;
We will rejoice and be glad in it.

As the Temple did, so have we breaches in our house;
Through your goodness and graciousness and generosity to our

KOL NIDRE APPEAL

the breaches shall be repaired.

GIVE TO THE KOL NIDRE APPEAL

in this wonderful 60th Anniversary Year!

ISRAEL H. LEVINTHAL, Rabbi

DAVID HAYMOVITZ, Rabbi

BENJAMIN MARKOWE, President

EMANUEL COHEN, Honorary President

LOUIS KRAMER, Chairman, Kol Nidre Appeal

UNFREEZE THE LAW

We don't have much of a circulation compared to the leading dailies or magazines. What we do have is quality of readers. The Review goes to people who *read*, grasp, comprehend and contemplate. So, it is with dismay and frustration that we must confess — we've been let down.

Last year we published a paper by Mr. Joseph Heller, scholar of law, urging change in the field of Jewish divorce. We pointed out from the outset of the editorial, then, that his viewpoint was controversial. We expected to be clobbered or applauded. Hardly a ripple.

Writing a brief involves grueling labor and time, digging, sifting, classifying, writing, polishing and writing some more. Our scholar spent many hours doing just that, pleading for change. But he is not to be daunted. He will not take "no" for the answer.

Now he has plumbed the depths, updating his plea. This time he has dug real deep, and, with his customary erudition, has come forth with a supplement to his brief, that should make members of the clergy sit up and think: this man really has something to say which needs to be investigated.

Our frozen law must be towed from the Antarctic of Dormancy to less gelid zones, perhaps the comparatively warmer atmosphere of Israel. We tread gingerly when we suggest that new-old State, considering the possible rebuff this plea would receive, with hardly a whiff of consideration, but with a snort of contempt.

All that is sought by Mr. Heller, in his thesis, is calm consideration of his brief... that it be read with thought and an open mind... or even a little bit of that. But his plea must be mulled

over and response made, even if negative.

Need this scholar make the unexpected move of the chess player before he'll attract attention? Don't underrate him. Mild though he seem, remember that he socked many a ball with his writing hand, and made a lame duck of the blue bird of recovery. Joe will not let this issue fade on the vine. He will fight for it until the opposition admits that his advocacy has merit. The day will come when this too will happen. Then may our scholar be here to witness his plea become a reality.

Louis Kramer

EDITORIAL BOARD

Louis Kramer, David Haymowitz, Israel H. Levinthal, Mordecai H. Lewittes, William I. Siegel.

The opinions expressed by the writers in these pages are not necessarily those of the Review.

ABOUT THE COVER

The Center in the early days with a row of automobiles of vintage 1920's. The trees were younger then, some are gone or have been replaced. We proudly show this photograph in years of our milestones.

REJOICING OF THE LAW

This Feast of the Law all
your gladness display,
To-day all your homages render.
What profit can lead one so
pleasant a way,
What jewels can vie with its
splendor?
Then exult in the Law on its
festival day,
The Law is our Light and
Defender.

My God I will praise in a jubilant
lay,
My hope in Him never surrender,
His glory proclaim where His
chosen sons pray,
My Rock all my trust shall
engender.
Then exult in the Law on it
festival day,
The Law is our Light and
Defender.

My heart of Thy goodness shall
carol away,
Thy praises I ever will render;
While breath is, my lips all Thy
wonders shall say,
Thy truth and Thy kindness so
tender.
Then exult in the Law on its
festival day,
The Law is our Light and
Defender.

(Translated by Israel Zangwill.)

ON REACHING NINETY

By Rabbi Israel H. Levinthal

My dear friends: My first duty, of course, is to thank God for the great blessing that He has conferred upon me, — to grant me 90 years of life. I would like to do this in the traditional Jewish way, by pronouncing the blessing of “*Shehecheyanu, v'kiyimanu, v'higianu lazman hazeh*” (“That He has given us life, that He has preserved us and that He has permitted us to reach this blessed era of my life”). I always like to call to the attention of the people whom I address that this blessing speaks in the plural number: *shehecheyanu*—” that He has given *us* life”. It does not say that He has given *me* life. A Jew, thanking God for the gift of life, or for anything else, can not think of himself alone. He thinks also of the members of his family; he thinks also of his friends — *shehecheyanu*, as I do at this moment, thanking God for giving *all* of us life, for preserving *all* of us, and for permitting *all* of us to celebrate this happy day. I want also to express the earnest hope and prayer that our Holy Father may grant us continued life so that we may be able to celebrate many more happy events in the years to come.

My friends, some months ago, when the well known television news analyst, Eric Severeid reached the age of retirement, it was announced that he would deliver his final commentary, which he did. He ended his final commentary with the phrase, “This was Eric Severeid! Good-bye.” I won’t say Good-bye to you! I would rather say “*L’hitra’ot*”. I

hope that we may be able to see each other many, many more times in the days and years ahead. But I can say, paraphrasing Mr. Severeid, “This was Rabbi Levinthal”. I am no longer the same Rabbi Levinthal that I was.

The Talmud has an apt expression for the change that has come over me: “*Zicknah kaftzah allav*”, — Old age galloped, — plunged upon him!¹ Old age didn’t creep upon me, — it plunged upon me. I knew, of course, that I was old. When one is 89 he knows that he is no longer young, but I can truthfully say that I never *felt* old. Now, *zicknah kaftzah allav* — “old age suddenly plunged upon me”. Suddenly I *feel* old, and there is all the difference in the world between *being* old and *feeling* old, and the change is very hard to take.

My granddaughter, Anne Mandelbaum, who is here with us today, is a member of the editorial staff of the Harvard University Gazette, and as such, she included my name on its mailing list. I enjoy reading The Gazette because I find many of the articles very interesting. The other day there was an item about Professor John Fairbanks, a prominent faculty member who also reached the age of retirement. The paper reported that when he delivered his final lecture, he wore his cap and gown pointing out that “this is an auspicious occasion! It marks the transfer from one stage of life to another, — from the stage of *distinction* to the stage of *extinction*.” I only hope and pray that his transfer, — an inevitable transfer, shall not come upon me galloping, but slowly.

There is a passage in the Talmud that I would like to relate to you. One of the ancient sages,

Rabbi Eleazar ben Samua, lived to a very ripe old age. One of his pupils asked him, “Rabbi, *hierachta yamim?*” How do you account for your longevity? The rabbis, of course, would not give medical or scientific reasons. They spoke in spiritual terms, and the Rabbi offered several explanations of this nature. I haven’t the time to list all his explanations, but one of them, I think, is most significant. He said that in all his life he never raised his hands in priestly benediction without saying the blessing “*L’vorech es amo yisrael b’ahavah*” — he was to bless his people of Israel *b’ahavah*, — with love.² What the Rabbi wishes to tell us is that he never raised his hands in blessed service to his people without thinking that it must be done *b’ahavah*, — with love, and *in* love. This, he recounts, added years to his life.

I, too, can answer in these words. I make no claim, dear friends, to any special gifts or to any extraordinary achievements, but I do claim that I always had a great love for my people and my faith. As long as I can remember, ever since I was a young child, I can truthfully say that my heart was filled with a great love for my people, my God, my Torah and it was that love which gave me a love for the rabbinate. I never looked at the rabbinate as a profession. To me, the rabbinate was a sacred calling because it gave me the opportunity to better serve my people, my Torah, my God.

My friends, I must tell you this little incident. My son-in-law, Lester Lyons, takes my mail every morning when he leaves for Manhattan in order to mail the letters there in the hope that it will arrive a little sooner. I generally use the stationery of The Brooklyn Jewish Center, but I always cross out the return address and insert my New Rochelle address. Recently he told me that he had noticed that I

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*Delivered at the Ninetieth Birthday Luncheon tendered to Rabbi Levinthal by the South Florida Friends of The Brooklyn Jewish Center, held in Miami, Florida on Feb. 26, 1978. The Rabbi repeated the address at the Annual Dinner of The Center on May 7, 1978 which also celebrated his 90th Birthday.

JUDAIC ELEMENTS IN ETHIOPIAN RELIGION AND CULTURE

By Rabbi David Haymovitz

According to informed sources in Israel, we shall soon see the Aliyah of almost the entire community of the Falasha Jews to Israel. The swift political turnover which has moved the Ethiopian society into a Socialist economy and a Marxist way of life have made it an urgent necessity for this ancient and unique tribe of Jews to emigrate in order to survive.

This will bring to an end a very unusual chapter of Jewish history in Africa, namely, the miraculous survival of this unique culture in the midst of hostile environment and prolonged complete isolation. But as much as the *origin* of the Falasha's way of life and its astonishing survival is an historic mystery, (see September, 1972, B.J.C. Review) there is even a greater Jewish mystery in this land of Kush which has been puzzling scholars for generations and is a source of wonder to any visitor. It is amazing to find so many Judaic elements in the Ethiopian religion and culture.

I remember my encounter with this phenonema on my first visit to Ethiopia. It was a Sunday morning and as I left the hotel, passing through the streets of Addis Ababa on my way to the airport, I noticed a number of religious services which were held outdoors. To my great surprise, each of the worshipers were wrapped in what looked to me like a large *Tallis*, the Jewish prayer shawl. They were moving enthusiastically as they prayed and chanted. They looked to me so Jewish that for a moment I thought that these were Jewish services, attended by members of

the Falasha families. Later I learned that these were regular Christian church services which are usually held outdoors and what seemed to me to be a *Tallis* was the regular national garb of the Ethiopians which is white in color, a little larger than the Jewish *Tallis* in which every Ethiopian wraps himself as he goes to the market or to work in the same way and manner as the Jew wraps himself in the *Tallis* when he enters the synagogue. This similarity to Jewish custom and habit permeates every phase of life of the Ethiopians. It is not only an outward similarity of customs, but there is a broad basis of common ground. The Ethiopian fundamental beliefs include important Judaic elements, biblical and post-biblical traditions.

In the early 16th century, shortly after the modern Europeans renewed contact with Ethiopia, a Portugese Jesuit missionary, Father Jeronym Lobo, in a report of his travels in Africa wrote: "It is to be noted that the Abyssinians (Ethiopians) observe all the Jewish rites and ceremonies with such devotion that they make much more of them than of the Christian customs which they have. The observance of the Sabbath is on a par with that of Sunday if not more prevalent. Circumcision is an invincible custom, as are all the other religious customs and ceremonies in the form of worship which God commanded the Jews to observe. The Abyssinians are making a superstitious mixture of Evangelical observance with that of Moses, and all the Abyssinians subscribe to this confusion of faith."

This report by a missionary of some four and a half centuries ago, is true even today. I happened to read, not long ago, a description by an Israeli correspondent of an Ethiopian religious festival which he happened to witness during a recent visit to Ethiopia. He wrote: "There was a procession of priests carrying on their shoulders a box which looked to me like a holy ark. There was dancing to the beating of enormous drums and the rhythmic sound of symbols which they lifted and let down with one hand while in the other hand they held a fruit of the citrus family similar to the Jewish *Etrog*. The procession moved slowly to the bank of the lake. As the marchers reached the edge of the water, they jumped into the lake and universal laughter and rejoicing followed." The journalist noted that this was very similar to the Jewish *Chag-hashoeva*, the feast of the drawing of water which was celebrated by Jews in ancient Jerusalem in the days of the Temple. If his conclusion is correct, then it confirms the view of some scholars that Judaic influence in Ethiopia is not only biblical but also post-biblical since the *Shoeva* festival is not biblical.

Many Ethiopian folkways reflect biblical customs and Jewish traditions. What is probably the most observed commandment of the Jewish religion, the practice of circumcision, is strictly observed by the Ethiopians. Even though this is general practice among many tribes in Africa, and is also performed nowadays in many modern societies, it is significant that of all peoples and tribes that circumcise their males, only the Jews and the Ethiopians require that it be done in a religious ceremony to be held on the eighth day of birth as decreed in the Bible (Genesis 17).

The Ethiopians observe laws of "clean" and "unclean" in foods
(Continued on next page)

basing it on biblical injunctions with local interpretation of Leviticus 2. They observe even the statement in Genesis 32:33 concerning the forbidden sinew. These sanctions are part of the *Fetha Negest*, the legislation of the kings which is the traditional code of law of Ethiopia supposedly given by God. The dietary laws are amplified by the following order: "Remember what God has commanded thee by the mouth of Moses."

As far as we know, the official religion of Ethiopia since 330 C.E. has been Christianity, but it is a Christianity far removed in content and form from the European religions. It rejects the traditional doctrine of Pauline Christianity that the biblical law lost its binding force at the coming of Jesus. There is no systematic theology; practice is more important than belief.

Scholars do not know exactly when the observance of Sabbath was introduced to Ethiopia but most of them maintain that the strictness with which it is observed indicates Jewish origin. The celebration of the Ethiopian New Year, September 11th, also shows biblical influence. They entail customs of purification bath and animal sacrifice, in a very similar manner to the biblical prescription of the high priest ritual on Yom Kippur. Ethiopians also observe the holiday of *Fassahka* which is very similar to the observance of Jewish Passover both in name and in nature.

The liturgy of the Ethiopians is mostly biblical text. Every service includes readings of biblical chapters unlike custom in most other Christian churches. Most of the liturgy is contained in the *Matsahafa Berhan*, the record of Emperor Zara Yaacob's reforms. The opening statement of the book reads: "The Emperor reaffirmed the reading of the books of the Old Testament and the New

Testament in their entirety during church services." The order of Prayers divides the Bible into portions which are read in a weekly order including portions from the law of Moses and the prophets, very similar to the Jewish system of the reading of the weekly portion and Haftorah. The morning services consist of the chanting of Chapters of the Psalms, supplemented by a collection of nine biblical chapters of poetry, eight of them from the Old Testament. Included in these are the Red Sea Song, the Song of Moses (Deut. 32), the Prayer of Chana and the Prayer of Jonah.

Ethiopian state laws also reflect great biblical influence. According to the Sacred Book, the *Kebrä Negast* (the Glory of the Kings) Makeda, Queen of Sheba, visited King Solomon in Jerusalem and was converted to Judaism. She returned to her country and bore him a son, who was named Menelik (probably a distorted form of the Hebrew "*Ben-Melech*," the son of the king). When he became a man, Menelik went to visit King Solomon. He returned to Ethiopia with the original "ark of the covenant" which was built by Moses and was joined by the most important leaders of Israel. He then established the Dynasty of Ethiopian kings which for only a short period was removed from the throne but returned in the year 1268 C.E. From then to the present there has been an unbroken line of emperors claiming themselves descendants from Solomon bearing the title, "Lion of Judah," "Elect of God," "King of Kings," and "Successor of the House of David."

No matter how historically unacceptable the Story of Menelik is, even to enlightened Ethiopians, the belief that the Emperor is a direct descendant to the House of David, strongly supported by the Church, had a great hold on the

people. It was the justification of the indulgence in luxury and the accumulation of enormous amounts of property by the emperors. It was also an ironclad assurance of his power and his claim to allegiance. Until the recent revolution, he was the only ruler in the world that continued in office uninterruptedly, since the late 1920's when he ascended to the throne. Each emperor kept the original manuscript of the *Kebrä Negast*, which tells the story of the founding of the dynasty, as proof of his sacredness.

Even the administration of justice, until the revolution, reflected biblical customs. At the central core of the administration of justice were the local courts. The impromptu court, which met in the marketplace or in some outdoor center, was based on ancient custom and law and was strictly obeyed by the litigants. The proceedings were informal and were very similar to biblical descriptions of the ancient judges in Israel. The men who had a dispute selected the judge to decide the case for them. No man may refuse to perform this duty. The judge was called *Dania* (very similar to the Hebrew word *Dayan*). The *Dania* will start the hearing by calling the witnesses to testify. The parties were not qualified to testify. Women were also not qualified. At the end of the hearing the judge immediately announced his decision. This was very similar to biblical order. There were also "permanent judges". These were the local *Danias*, usually some learned elders of the community who acted as judges and advisors. Like in biblical days, they were also the authority of interpretation of the laws in difficult cases. The interpretations of the elders were recorded and accumulated and later expounded by respected elders of different regions. Gradually it became part of custom and

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**Judaic Elements in Ethiopian
Religion and Culture**

(Continued from Page 6)

law. The system was ver similar to the development of the Jewish Oral Law. The voluntary local courts have become daily practice in the lives of the masses who would usually abide by the decisions of the *Dania* and also use it very often to resolve their disputes.

All Ethiopian churches are built in a three-fold division similar to the Temple of Solomon in Jerusalem which had three parts. The innermost part contains an altar and the holy Ark, and is called: *Kedusta Keddosam*" (almost the same words as in the Hebrew "*Kodesh Hakadashim*"), the "holy of holies." Only the priests and kings are permitted to enter it. The Ark is called *Tabot* (as in Hebrew "*Taiva*") and is the most sacred object in the Ethiopian house of worship. Without the Ark no religious service may be held. According to Ethiopian tradition, the original Tablets of stone on which God wrote the Ten Commandments and the original holy Ark which Moses built and were kept in Solomon's Temple, were stolen by Elazar (in Solomon's time the son of the High Priest in Jerusalem) and Menelik (the son of the Queen of Sheba) and brought to Ethiopia. They are today kept in the Holy of Holies of the chapel in the most sacred cathedral of Axum. The *Tabot* (Arks) in the other sanctuaries are replicas of the original Ark of the Covenant.

On various holidays, the Arks are taken out into the streets for public rejoicing. They are carried by the priests in a procession of marching, singing and dancing by men in special colorful ceremonial dress, very similar to Jewish *Hakafoth*, the rejoicing with the Torah which are held on the

Jewish festival of Simchat Torah.

As to the origin of the Judaic influence in Ethiopian life, there is continuous debate among scholars. Some of them do not believe that the Judaic elements are a result of any pre-Christian contact between Jews and Ethiopians. These scholars maintain that what appears to be Judaic in Ethiopian culture, are the remnants or part of the legacy that was shared by all early Christians and was later abolished as the church continued to develop along independent lines, and what we find in Ethiopia is a form of early Christianity, untouched and undisturbed by later church reforms. Other scholars adopt the theory that the Judaic traits of Ethiopian Christianity resulted from the reforms instituted by the Emperor Zara Yaacob in the 15th century. They feel that the Emperor's zeal for reform caused him to reestablish primitive Christianity which was closer to biblical Judaism.

A noted French scholar tried to explain the mystery by arguing that Ethiopian Christianity is a phase of what he called *limitation d'Israel*," namely, the excessive veneration of the Judaic part of Christianity, tending to imitate. According to his theory, all Christians venerate the Old Testament, especially the Ten Commandments, but some sects have gone much further in their respect of old customs of Israel, so much that they tried to imitate in their life and religion the Old Testament ways. The Puritans are a good example. They called themselves by Hebrew names, saw themselves as the chosen people, and even wanted to replace British laws by those of the Bible. The Seventh Day Adventists are another example. They keep the Jewish Sabbath. The Ethiopians, according to this theory, are another one of these sects.

However, the majority of scholars fail to account for the

fact that Judaic elements have persisted throughout the nation for many centuries permeating every area of life creating a situation which is unique among non-Jews, bearing in mind that when Christianity was introduced to the land there were already two distinct, separate religions, Jewish and Christian. They argue that the better explanation is that of pre-Christian contact which existed between Jews and Ethiopians.

Historically, evidence leaves no doubt that there were cultural contacts. We are certain that Israelites in biblical times knew and visited Ethiopia which was named in the Bible, "the land of Kush." The prophets Isaiah and Zephaniah both speak of the land and people "beyond the rivers of Ethiopia". There is also archaeological and historial evidence of a meeting ground. There have been Jewish colonies in both Egypt and Saudi Arabia many centuries before Christianity was born, and it is possible that Ethiopians had contacts with them. Cultural contact between those early Jewish communities and Ethiopians thus seems to be the most likely explanation for the mystery of Jewish elements in Ethiopian culture.

Whatever the theory may be, the phenomena of Judaic elements permeating every phase of life of the Ethiopian people, is fascinating. No matter through what channels the biblical Hebraic culture has entered Ethiopia, it helped to mold and shape its life for many centuries. The forces of modernization were too weak and too slow to change it. However, the swift wind of change which came in the wake of the socialist revolution and brought down the dynasty of emperors is probably going to erode the exotic Ethiopian culture as we know it.

TWO SONGS BY HAYYIM NAHMAN BIALIK

Translated by

RABBI MORDECAI H. LEWITTES

THE SONG OF WORK AND TOIL

1.

Oh, who will save from famine dread?
Who will provide abundant bread,
A cup of milk and wine so red?
Who will provide abundant bread?
Who will plough the field and redeem the soil?
None but our labor, none but our toil!

2.

Oh, who will clothe against the cold?
Dig living fountains as of old?
In darkest nights send rays of gold?
Dig living fountains as of old?
Who will plough the field and redeem the soil?
None but our labor, none but our toil!

3.

Oh, who will plant each leafy tree?
Each glen and glade and grassy lea?
For golden grain for you and me?
Each glen and glade and grassy lea?
Who will plough the field and redeem the soil?
None but our labor, none but our toil!

4.

Oh, who will build a shelter strong?
Where men rejoice, a happy throng,
With Sabbath joy and festive song?
Where men rejoice, a happy throng.
Who will plough the field and redeem the soil?
None but our labor, none but our toil!

5.

Although we work with sweat and tears,
'Tis toil that gladdens all our years —
For they who labor know no fears,
'Tis toil that gladdens all our years.
Who will plough the field and redeem the soil?
None but our labor, none but our toil!

* * * * *

SPRING UP, OH WELL!

Spring up, oh well,
Oh fount, spring up,
Pour golden drops
Into my cup.
The thirsty lamb,
So tender and white,
Gaily skips to drink
Of its cool delight.

MARTIN BUBER,

FATHER OF NEO-HASSIDISM

By David Rudavsky
Professor, Hebrew Culture, New York University

I

Martin Buber (1878-1965) was the first German Jewish thinker to undertake to interpret Hassidism to the Western world. Before that Jewish scholars in Eastern Europe had brought Hassidism to public attention, but their works and influence were confined mainly to their own regions. While German Jewish scholars like Leopold Zunz (1799-1886), Heinrich Graetz (1817-1891) and Abraham Geiger ignored or deplored the Hassidic movement as obscurantist, Martin Buber was convinced that the search of the Hassidic pietists for God through and within the emotions gave an additional dimension to Judaism that could also serve as an antidote to the exaggerated rationalism that had pervaded it as well as Western thought.

Martin Buber was born in Vienna, but when he was only three, his parents were divorced, and he was taken to the home of his paternal grandparents in Lemberg (now Lvov) the chief city in Austrian Galicia. His grandfather, Saloman Buber, was a prosperous lumber merchant, who left much of the management of his business to his wife, while he devoted himself to editing and correcting old rabbinic and midrashic texts. The atmosphere in his home was one of enlightened religiosity. Young Martin received a traditional Jewish education, while his grandmother looked after his secular training. When he was fourteen his father remarried and took him to his estate in Eastern Galicia. On occasion, he took Martin to visit the Hassidic community and its

rebbe in the nearby village of Sadagora, in the province of Bokowina. There the boy had the opportunity to observe Hassidic life at first hand. He was captivated by its spirituality and what he saw as a constant process of inward renewal and a continuous worship of God. He was especially impressed by the role of the *Tzaddik* in his relationship to his Hassidim and by the fraternal attitude of the Hassidim to each other.

In his early adolescence Martin enrolled in the Polish Franz Joseph Gymnasium, the spirit of which, however, was Austro-Hungarian. He was soon caught up in the secular mood of his day and abandoned his former path of traditional piety and observance. In 1896 he was graduated from the Gymnasium and matriculated at the University of Vienna, later attending Berlin, Leipzig and Zurich. There he studied philosophy, art, literature and music, but during this period he felt himself confused and rootless. He had imbibed some Nietzschean ideas and became absorbed in the study of mysticism which had become quite popular in his day as a reaction to the growing rationalism of the times and the increasing interest in mythology and oriental religion.

In 1904, Buber was awarded his doctorate from the University of Vienna on the basis of a dissertation on German mysticism. He had been seeking his way back to the Jewish fold and seemed to have found it several years earlier by way of Zionism. In 1899, Buber was a delegate to the Third

World Zionist Congress, but he soon shifted from the political to the cultural version of Zionism, espoused by the noted Hebrew philosopher Asher Ginzberg, popularly known by his pen name *Ahad Ha Am*. This branch of Zionism attached greater importance to the creation of a cultural center in Palestine than to the establishment of a political Jewish state. In 1901, Buber was appointed editor of the Zionist Journal *Die Welt*.

Shortly after Buber earned his doctorate, his interest in Hassidism was rekindled when he chanced across the *Zawaat Ha Ribash*, the Testament of the *Ribash*, the latter name being the initials of Rabbi Israel Baal Shem Tov (1700-1760), the founder of Hassidism. Buber undertook to devote himself to the intense study of its doctrines and lore. To do so, he returned to Poland, and resided among the Hassidim for five years, not that he became a Hassid in the true sense, but he attempted to live its relationships. He did not, however, observe the *Mitzvot* or religious precepts, though he absorbed its teachings and doctrines. He regarded Hassidism as an original source of Judaism, and it shaped his own outlook on life. He envisaged it as a means of dialogue between man and God. In it he discovered the germ of what became later his *I-Thou* philosophy. By 1924, it became crystallized sufficiently in his own mind to warrant its formulation in a new volume that he called by that name (*Ich und Du*).

Underlying his new viewpoint was the Hassidic principle which emphasized the sanctity of all things. It stressed the dignity and worth of the individual, especially in his relationship to his fellowman and the group. Buber soon saw in Hassidism the highest achievement of Diaspora Judaism. In Hassidic society he discovered

the ideal community.

"When I saw the rebbe stride through the rows of his Hassidim, I discerned the perfect leader. When I saw the Hassidim dance with the Torah, I felt the true community, forged by a common reverence and common joy of soul," Buber said.

This ultimate community Buber described as "one kingdom, one spirit and one morality."

From 1923 until the rise of Hitler, Buber served as Professor of Jewish Ethics and Religion at the University of Frankfurt, the first post of its kind in Germany. During the period of Nazi terror, his leadership was a guiding light and moral force in the spiritual battle of German Jewry against Naziism. When the Jews were expelled from the general schools, he helped to found new ones to accommodate them. Together with Leo Baeck, he launched a network of adult Jewish schools which upheld the morale of the German Jews and enhanced their feeling of self-respect after they had been cast out of German cultural, social, and economic life. He continued in this role until he was silenced by the Nazis in 1938. Then, at the age of sixty, he migrated to Palestine, where he had been appointed Professor of Social Philosophy at the Hebrew University. There he joined Judah Magnes in the small dissident *Ihud* (unity movement) which before 1948 favored a binational state in Palestine and has since persistently advocated a program of Arab-Jewish amity.

In 1951, Buber retired from his academic duties; he later traveled to America and other countries, where he lectured at universities and theological seminaries. Though defended by some, he was violently criticized by others for accepting the Peace Prize of the German Book Trade in Frankfurt in 1953 and, a year later, the

Hanseatic Goethe Prize in Hamburg. To him, these awards betokened the solidarity among all peoples in their struggle for a unified, common humanity. Buber continued to write until his death in June 1965.

II

Buber did not preach a new religious faith, dogma or ritual, but only a spiritual orientation to life and the world. The ideals he expounded were, according to some Jewish thinkers such as Hugo Bergmann and Max Brod and non-Jews like Karl Barth, Emil Brunner, Paul Tillich and many others, of Copernican revolutionary importance. The central principle underlying his semimystical, semiration-alistic doctrine is that "all real life is meeting," whether it is with another human or with God, or even with objects in one's environment. The true goal of all human existence, which is according to Buber to achieve the *I-Thou* relationship, and this stems from the social nature of man, the *I* in itself, withdrawn into its ivory tower, is an abstraction. Only when drawn out of itself to *I-Thou* does one's personality assume meaning and significance. Through selflessness, one becomes a true self. Through the *Thou* one becomes an *I*. This doctrine of encounter is illustrated in the dictum of the Tzaddik Rabbi Yehudah Zevi of Stretyn (d. 1844) who said:

"Now I understand the meaning of the rabbinic saying: 'Men can meet, but mountains never.' When one man considers himself just a human being, pure and simple, and the other does so too, they can meet. But if one considers himself a lofty mountain, and the other thinks the same, then they cannot meet."

The primary words *I-Thou* connote a special relationship, which

is a product of the voluntary, direct, open, active, mutual engagement and communion in which a person enters with his whole being, and is capable of securing a like response from the other. Both parties to this involvement, which is based on a subject to subject affinity, are on an equal footing and bear a reciprocal obligation to give freely and fully of each other, in accordance with their unique proclivities and endowments. Rabbi Uri of Strelisk (d. 1826) pointed out that:

"It is written: 'And Abel brought, also he...' (Gen 4:4). His own 'he', his own self, he brought. Only when a man offers *himself* as well, is his offering acceptable."

The desired *I-Thou* bond is exemplified by the partnership that should exist between teacher and pupil or the psychotherapist and his patient. The relationship, dynamic in nature, spontaneous and unplanned, may be said to be based on love, not in the romantic sense, but as Buber describes it as the "responsibility of an *I* for a *Thou*." Rabbi Shmelke of Nikolsburg (d. 1778) paraphrased it in this manner: "Since man possesses a divine soul, one must love that soul." Love of course is an end in itself.

The obligation to preserve one's own personality in this relationship is illustrated in the Hassidic folk tale of Rabbi Zusya who, towards the end of his days, fretted about the accounting he would be called upon to give in the afterlife. Recognizing his plight, his friends inquired of him, "Is it that you have not been a Moses throughout your lifetime that troubles you?" "No," the aged Zusya answered, "my concern is that I was not Zusya." In other words, the sage regretted that he had failed to live up to his own unique potentialities and that he had not been his true self.

The dialogue, however, need not

be spoken. It can be entirely silent. Eyes can communicate. Thoughts too can meet. To the Jewish mystic words are a rare and awe-inspiring phenomenon. Menachem Mendel of Kotzk (d. 1859) once said; "Some experiences may be transmitted through language; others, more profound, only through silence." Such silence, however, is not ascetic in nature. It may merely be the soundless dialogue of creative contemplation. It is not a ritual as with the Quakers, but as the Rabbi of Kotzk described it, it is an art. Menachem Mendel of Vorki (d. 1868) indulged in it. It is told that:

When Mendel was in Kotzk, the rabbi of the town asked him: "Where did you learn the art of silence?" He was about to answer, but then he bethought himself and practiced his art.

We have an example of the silent dialogue in the Biblical verse referring to Pharaoh's daughter opening the ark in which Moses was concealed, the princess responded not with words but with an act, "And she opened it, and beheld a boy who wept" (Ex. 2:6). Mendel of Vorki commented on this verse in this manner:

"One would have expected that we would be told that she would have heard the child Moses' cries. No, the child was weeping inwardly, therefore, it says further: 'And she said, 'He is of the children of the Hebrews.' It was a (silent) Jewish cry."

The party to the dialogue need not be a person; it may be an inspiring scene or landscape, for "The heavens speak the glory of God and the expanse telleth the work of his hands." (Ps. 19:2). It may also be an animal or even a thing. Perhaps a good illustration of this thought is in the experience related by the eminent Viennese Jewish psychiatrist,

Viktor Frankel, with a young woman patient who knew that she was to die shortly from a terminal disease. Despite this, he found her relaxed and cheerful. In answer to his question about her state of mind, she pointed to a tree outside her window and said: "This tree is my only friend in my loneliness. I often speak to it." Astonished at her words, the psychiatrist asked if the tree replied. "Yes," she answered, "the tree keeps repeating to me: I am here. I am Life, eternal life." This dialogue between the woman and the tree could not be complete, because the woman could not be a *Thou* to the tree, nor enter into a reciprocal relationship with it.

Under ordinary conditions, a person's relationship to a tree would fall in another class of attitudes described by Buber, represented by the primary words *I-It*. While the *I-Thou* constitutes a dialogue, the *I-It* implies a one sided monologue, a subject to object posture or that of person to thing. It occurs within a man and not between him and another. If this kind of communion is between people, it involves de-personalization. It suggests the detached attitude of the busy doctor or overloaded social worker towards a person who comes to him for professional assistance, whom he regards as a "case" rather than as a fellow human being. It implies the kind of objective knowledge one seeks in science, in which the purpose is primarily to exploit, control, or manipulate for his own ends. The tragedy in life is that we permit the *I-It* rather than the *I-Thou* relationship to dominate our frame of mind.

The *I-Thou* relationship may change into *I-It* and the reverse is also possible. Rabbi Abraham Yaakov of Sadagora (d. 1883) taught that not only what God created, but also what man has invented or innovated can convey

a divine message to us:

"If so, a Hassid once asked, skeptically, what can we learn from the train?"

"That in a second, one can lose all," was the answer.

"And from the telegraph?"

"That every word is counted and charged," the rabbi retorted.

"And from the telephone?"

"That what is said here is heard there," was the reply.

III

Among humans, the *I-Thou* relationship alternates of necessity with the *I-It*, since men do at times stand in an objective *I-It* relation to each other. There is, however, one permanent, eternal, and infinite Thou — the force in the universe that is referred to as God. It is the absolute, limitless Thou that permeates all the world, the Thou that can never be It — the Thou that may be addressed but not expressed. The Biblical idiom "I am that I am" (Ex. 3:14), referring to Jehovah, should be rendered in the sense of "I am and remain present" and everlastingly so.

God is there in every situation. He is imageless and may appear in a different form at different times, but He is there, both in His encounters with the man and in nature. If only man is ready to respond to Him with his whole being, God is not remote. He can be nearer to me than my *I*. It is for us to perceive Him and listen to Him and answer Him. This is not said in a mystical or supernatural sense, but in the Hassidic which presumes that the *Shechinah* of God is everywhere. He is in everything; He speaks to us in the ordinary, everyday events and episodes in life as well as in human history. In theology, the Deity may be transcendental and mysterious, but in this personalized relationship, "God standeth in the congregation of the godly"

(Ps. 82:1) in intimate contact with man. In mysticism, man seeks to be submerged in the Deity, but in Buber's Neo-Hassidic or neo-mystical viewpoint man and the Deity are in need of each other and stand together in a common alliance on behalf of mankind and the world.

The idea that God enters into every aspect of life is another way of affirming the Hassidic doctrine that there is no true separation between the sacred and the secular — or even the profane. Only *Kavanah*, one's inner intention, is essential to hallow an act — not ritual. To reach God, moreover, one is not to withdraw from the world as does the ascetic contemplating God in isolation. One should encounter God on earth, His laboratory of salvation. It is in the here and now that the Supreme Being joins man in a mutual endeavor to lift humanity to a higher state of sanctity. In this view, Buber differed radically from Soren Kierkegaard (1813-1855), the Danish existentialist philosopher and theologian, who believed that God speaks only to the single one who retires from the affairs of life. But Buber, the Neo-Hassid, maintained that "one cannot . . . have to do essentially with God if one does not have to do essentially with men."

The primary importance of the Bible, in Buber's view, lies in the fact that it is the record of man's dialogue with God. The keyword in the Scripture is the pronoun *Thou*. The basis for God's dialogical encounter with Israel is the Sinaitic Covenant, which was not an agreement in the conventional sense, but a surrender by Israel to His kingship. The Deity chose the Jewish people, not because of their superiority to others, but rather to fulfill a charge — to become a holy people. To this end, Israel must dedicate its corporate and national existence, its institutions and ideals. Despite this, the

Jew cannot rely on a static, ancient revelation; he must always seek his own.

The term Torah has been deplorably translated into Greek as *nomos* and *lex* in Latin. The English equivalent of these words is the noun *Law*. But Torah, Buber insists means *Weisung*, *Belchrung*, teaching or instruction, not *Law*. The laws of the Torah may be of historical importance, but they do not involve God's presence and revelation in His dialogical encounter with man. Quite the contrary, Law, as a fixed code, impedes the direct and open mutual confrontation in the dialogue and God's fresh, living message, responsive to the needs of each hour and circumstance. For this reason, Buber refused to accept the universal validity of the Law; he can subscribe only to what he believes is addressed to him. Buber's position naturally offended many Jews, who branded him as antinomian and a religious nihilist. These ideas brought Buber close to the religious liberals, but they estranged him from his own people.

Buber not only deprecated the Law, but also demonstrated a strong admiration and affinity for the personality of Jesus. This of course antagonized Jews even more. On the other hand, he achieved a great influence in the Christian world, particularly among liberal Protestants who opposed the extreme rationalistic trends of some of their leaders.

Buber's thought represents a heroic attempt to formulate a faith for contemporary man, midway between conventional religion and the godlessness of his age. Buber envisaged God not as a force or power, but as a living reality Who confronts man in every experience in life and instructs him in the ways of love and justice towards his neighbor. The Golden Rule in the Bible (Lev. 19:18), Buber pointed out,

ends with the phrase "I am the Lord", which according to one tzaddik signifies that God is present in a relationship in which human love prevails. Buber aimed to case his sophisticated teachings in a Jewish mould. In contemplating Buber's religious outlook, one is reminded of the Besht's explanation of the Biblical phrase, the "God of Abraham, the God of Isaac, and the God of Jacob" (Ex. 3:15) and not merely the God of the patriarchs. The purpose of this repetition, according to the Besht, is to demonstrate that Isaac and Jacob did not base their ideas of God on the searchings of Abraham, but on their own thoughts. This may also be true of Buber, though some have their doubts as to whether his is essentially the true God of Israel.

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UPDATE, ONE YEAR LATER :

A LAWYER'S PLEA FOR CHANGE IN JEWISH DIVORCE

By Joseph Heller

A year ago I gave what I considered cogent reasons for doing away with an erroneous interpretation of Deuteronomy 24:1-4, as having mandated a biblical injunction that a husband can of his own volition write a bill of divorcement, put it in his wife's hands and send her away.¹

I still cannot reconcile myself to the thought that the Torah ever intended to give a husband such power. My further consideration of the matter and additional research strengthens my belief that the precedent our Rabbis established when they interpreted these verses resulted from a grievous error in statutory construction or in the belief that prevailing customs among the inhabitants at the time required such a result.

Many centuries are now behind us. A precedent which seemed at the time mint-new has been, over the years, severely tarnished. When we ask that the interpretation no longer be adhered to, this would not result from a repudiation of the Halakhah, but from an institutional reassessment.

There has been called to my attention a comprehensive and illuminating paper written by Professor Simon Greenberg entitled "And He Writes Her a Bill of Divorcement".² There has been no affirmative action based on Professor Simon Greenberg's recommendation as well as mine.

On May 4, 1978 there appeared

a decision by Mr. Justice Blyn of the New York State Supreme Court in the New York Law Journal involving the following set of circumstances:

The defendant husband, a Rabbi of a conservative synagogue, was sued by his wife for divorce. The plaintiff wife, who besides being a very religious person, considered herself and her husband as much bound by Judaic Law and by Secular Law. The parties in open court entered into a settlement agreement. One of the terms of the agreement read: The defendant shall take necessary steps to immediately effect a Jewish divorce (a "get"). Mutual judgments of a civil divorce were recorded. The defendant refused to deliver a get to his wife. The Rabbi, under Civil and religious law was divorced, free to remarry; the wife, under Civil Law was divorced, but not under religious law and could not remarry.

No better argument can be advanced for the abandonment of a hoary and depressive anachronism. An unethical situation results where a recalcitrant husband could extort conditions of value to him for the price of a "get". If nothing could be done to right such a wrong, why should the wronged party sacrifice herself for the sake of what some of our Rabbis say is the integrity of the law. Reviewing the havoc this law caused on Jewish family life, it has lost the sanctity attributed to it.

Therefore, upon further reflection, I have no concern with the

exercise of restraint in overturning established precept which has lost touch with reality and social mores.

Dr. Greenberg in a restricted opinion questions the interpretation given Deuteronomy 24:1-4, yet asks the question, whether we should reject this particular law. The consequences he feels would be catastrophic. He maintains the halakhic interpretation of the law in question has governed family life some 2,000 years and thus has acquired extraordinary sanctity and authority. He therefore suggests remedial acts to do away with some of the harshness resulting from this law. Needless to say, no steps have been taken on his suggestions. I applaud Dr. Greenberg's effort but I am convinced ameliorating provisions is not the answer.

The only proper and dignified solution is to affirmatively and without equivocation and deviation frankly state there is no biblical law which permits a husband to divorce his wife by delivering to her a "get". An outright rejection of the so-called biblical divorce law, as interpreted, is now mandated because the ascription of divine origin to this law was the result of misinterpretation in the beginning, and repeated over the centuries.

What Dr. Greenberg meant when he said the consequences would be catastrophic, is that the doctrine of *stare decisis* in Jewish Law would be undermined.

It is good law and it will not affect the stability of long accepted decisions, when a rabbinic court or a civil court have in error decided a matter, that they be forthright enough to depart from it, rather than to resort to subtle and unreal distinctions.

Without doubt prior decisions or holdings are entitled to great weight; *stare decisis* does not require blind deference to flagrant

¹Brooklyn Jewish Center Review, Sept. 1977.
²Published in Conservative Judaism, Vol. 24, No. 3, Spring 1970.

error. Besides, we are dealing with a rabbinically created procedural matter which by reason and a right of sense of justice recommends its abolition. The construction adopted by the Rabbis does violence to the natural meaning of Deuteronomy when read in its proper context.

The portion reads: "A man takes a wife and possesses her. She fails to please him because he finds something obnoxious about her, and he writes her a bill of divorcement, hands it to her, and sends her away from his house. She leaves his household and becomes the wife of another man; then the second man rejects her writes her a bill of divorcement, hands it to her, and sends her away from his house; or the man who married her last dies, then the husband who divorced her first shall not take her to wife again." Where in the entire paragraph does it say the parties thereby shall be divorced?

The foregoing, when carefully read, states that it is forbidden for a husband who has divorced his wife, from ever taking her back again if she has in the meantime married another man and he has divorced her or died.

It is Professor Greenberg's view that these verses were never intended to add to the burden of the woman but rather to protect her. But this is exactly what has not happened because of an irrational interpretation.

It is my view that some rule of conduct was inaccurately recorded or improperly recomposed which resulted in a statement of facts applicable to a situation of remarriage but never as to the right of divorce. It is illogical to see it any other way. I know of no law in any civilized country that prevents a twice-divorced woman from remarrying her first husband. Infallibility is to be conceded to no tribunal or to man. No decision can be considered binding when it

has lost its usefulness in social evolution or when conditions have sufficiently or radically changed.³

The religion of Moses was a missionary faith with dynamic appeal to the nomadic or semi-nomadic tribes of that time. In 1300 B.C.E. the stage was set culturally and religiously for the emergence of a heroic figure like Moses. To him God revealed the Law. Because some Rabbis who adhere to traditional Judaism reject any innovation from customary practice, they assert immortality of the Law. Since the only writing that evolved at Mt. Sinai were the tablets containing the Ten Commandments, it is this Law that is enshrined with immortality.⁴

God spoke to Moses and said, I will speak unto thee all the commandments and the statutes and the ordinances which thou shall teach them and they may do them in the land which I give them to possess it.⁵

When Moses was spoken to, divorce was not a subject matter of decretal law of the Bible. Did it become a biblical law because it was revealed to Moses who reduced it or caused it to be reduced to writing in Deuteronomy in the 39th year or 40 years of wandering in the desert?

We must interpret the Bible in context to the period Moses became famous.

Moses thus exhorted his people that when they were to leave the desert without him because of the imminence of his death,

"When the Lord They God shall bring thee into the land whither thou goest to possess it, and shall cast out many nations before thee, the Hittite, and the Girgashite, and the Amorite and the Canaanite, and the Perizzite, and the Hivite and the Jebusite, seven nations greater and mightier than thou, and when the Lord They God

shall deliver them up before thee, and thou shall smite them, thou shall utterly destroy them;... neither shall thou make marriages with them;... But thus shall ye deal with them; ye shall break down their altars, and dash to pieces their pillars, and hew down their sacred posts, and burn their graven images with fire."⁶

It is apparent Moses was familiar with the nations (and their way of life) who occupied the land to be conquered by the Hebrews. Abraham, before Moses, a Hebrew born of idolatrous parents, brought up amidst idolatrous association, as a shepherd, travelled great distances. By 3000 B.C.E. Palestine or Canaan was occupied by Canaanites who for 1500 years developed an advanced state of human society. Around 1900 B.C.E. some 700 years before Moses, Abraham and his tribesmen came across the Arabian desert and settled in Canaan. Around 1300 B.C.E. Egypt possessed Canaan and around 1200 B.C.E. Moses led the Hebrews out of Egypt.

What were the customs and laws of the countries known to Moses and the Hebrews, whom they were to conquer upon leaving the desert? Specifically, what light do they shed on divorce as revealed in Deuteronomy 24:1-4.

It is a universally accepted fact that many early societies permitted only the husband to obtain a divorce.⁷

Most ancient peoples believed that specific gods had handed down laws for their government. The famous Code of Hammurabi

³As to legal and religious methods of statutory construction, see my article in the Brooklyn Jewish Center Review, Sept. 1977.

⁴Deuteronomy 5:19

⁵Deuteronomy 6

⁶Deuteronomy 7

⁷The World Book Encyclopedia, Vol. 5, Divorce, p. 210a

was supposed to have been revealed in this way.

At the time the Hebrews entered Canaan there existed the most important Code, that of Hammurabi, and the Assyrian, Hittite and other Codes belonging to a period 2000 to 1100 B.C.E. Some possessed many elements that shed light upon Pentateuchal Law and Tradition as well as customs of the Semitic people. The gods of these people were not the same God that revealed the Torah to Moses. Whatever similarities exist in some of the law contained in the Bible and in the Codes of other peoples are coincidental and probably of environmental origin.

The Egyptians had already undergone 1000 years of influence. They reached a higher grade of culture, but worshipped inferior creatures of divine power. They pursued abominable idolatry.

The ethical truths of Sinaitic Law became the basis of a new system of morality after the Exodus.

What kind of people did Moses acquire at Mount Sinai? They were Jews, but also former idol worshippers, slaves and nomadic or semi-nomadic people. It took Moses 40 years to teach these people a new way of life; to have them understand and accept the Ten Commandments as amplified by Moses.

Therefore, the differences we find within the Bible can only be explained in terms of the human factor. In most instances, we cannot cite the words of the Deity, "Thus saith the Lord". There are no such references preceding some specific laws and these may have been human in origin. "Thus saith the Lord" is nowhere to be found alluding to the right of a husband to send his wife away with a writ of divorce.

The custom that a husband had the right to divorce his wife existed from the remote patriarchal age and is well documented

by historians. By what authority has this custom achieved that of divine origin?

It is said that God revealed to Moses the contents that were to constitute the Bible. Assuming that to be so, we know that Deuteronomy (which contains our disputed provision) was not written until the last year of wandering through the desert.

Is it possible, is it probable, is it a fair assumption to make, that in over 39 years there may have been a memory failure, a fault in transcription, a misunderstanding of what God actually said or what special words were to be used in recording these verses?

I am satisfied from a reading of the text, applying the principles of statutory construction under the Civil and Judaic Law, that Moses was not instructed by God nor did he, under divine guidance, produce an ordinance giving a husband the right to discard his wife or to deny her the right to a "get" after he has discarded or deserted her.

During the desert wandering, Moses became fully acquainted with the codes and laws of the lands his people were to conquer. He, no doubt, explained those laws to his people, as well as his own laws, in the Sacred Tent (Tent of Meeting) which was the religious center of the congregation in the desert.

When Moses admonished his people to destroy the seven nations, tear down their altars, burn their images, smash their pillars, before entering Canaan, there existed Codes of Law. These contained governing provisions and family law enactments. These various codes may help explain the possible inclusion in skeleton form, provisions pertaining to divorce in Deuteronomy.

One of the nations Moses directed his people to destroy was that of the Hittites. The old Hittite Law of the 15th century B.C.E. existed contemporaneously

with Moses. It contains certain similar principles. There are also similarities to the Laws of Hammurabi and the Assyrian Code.

In "The Hittite Laws" as translated by E. Neufeld, published in London by Luzac and Co. Ltd., the author states that the laws contain no paragraphs concerning the organization of the family. The Hittite family was purely patriarchal. There are no rules whatever which regulated the husband's power over the wife. It seems, however, he states, that in marriages between free persons, the power of granting a divorce was the privilege of the husband since the woman was legally an *object* of marriage. The purchased wife was under legal control of her husband and had no right to request nor power to prevent a divorce (page 129).

The Assyrian Code, #37, provides: If a man divorces his wife, if he wishes he may give her something; if he does not wish, he need give her nothing. "Empty, (in her emptiness), she shall go out."

The Babylonian Code of Hammurabi (1750 B.C.E.) contained the first written divorce regulations. The Sumarian Laws were the basis of the Hammurabi Code.⁸

#138 of the Code reads: If a man put away his wife who has not borne him children he shall give her money to the amount of her marriage settlement and he shall make good to her the dowry which she brought from her father's house and then he may put her away.

#141 reads: If her husband announces her a divorce, he may put her away and may take another woman and she becomes his wife.

Deuteronomy 24 merely alludes to a custom prevalent among the Semitic people in the lands Israel

⁸ The Origin and History of Hebrew Law, Smith

was about to enter, but does not adopt it.

To characterize this custom as a Biblical injunction that a husband can write and deliver a bill of divorcement, thus cutting off a marriage, is an irrational conclusion. It is based on a misconception and misapprehension by the Rabbis of the object which was sought to be achieved.

There must be a reinterpretation of the Biblical divorce law in the light of an advanced state of human society in which a high level of art, science, religion and government has been reached. Nomadic habits, customs, family life and environment no longer prevail.

Since this method of divorce was a custom before and after Mount Sinai, the interpretation, if adhered to, has the effect of cloaking a pagan custom with a mantle bearing the inscription, "This is a biblical injunction found in Deuteronomy 24". As so interpreted, the passage was intended to read, "God said unto Moses, a husband may divorce his wife unilaterally by giving her a bill of divorcement and send her away and thereafter consider himself divorced."

Precedents in support of such a concept from the day of travel by the shepherds do not fit or support conditions that prevail today or yesteryear. They are out of place. They have lost all relevance in our economic, social and political environment. There no longer is, if ever there was, justification in doctrine or policy for that kind of law. The expression in scripture admits of further elucidation and much clearer interpretation. Time teaches a more profound understanding unaware to our predecessors.

The teachers of our ancient Academies of both Babylon and Palestine were considered successors of the older Sanhedrins. It was the arbiter of Jewish law and

customs before Jerusalem. Interpretation of the Law was ultimately decided by Sages in Jerusalem. Since then we have been without an incumbent. It does not seem likely that in a foreseeable time, any organization will be established approaching the dignity, vigor and courage of the Sanhedrin.

We are supposed to abide by the decisions of civil courts for the country we live in. We may not solemnize a marriage which the laws of the country would not recognize; we must not religiously dissolve a marriage by get unless the civil courts of law have already decreed the divorce. The civil courts, having dissolved the marriage, are we not creating a hiatus by interjecting a requirement that the husband deliver a get to make a civil divorce into a religious divorce? Do we abide by the decisions of the civil court which makes no requirement for the delivery of a get, by requiring one to religiously dissolve the marriage?

Slavery was abolished and a woman is no longer considered a chattel except where she is segregated when praying before the same God. Is not a wife a chattel when a civil court pronounces her legally divorced and the husband is empowered by his unilateral action to deny her status as divorced under religious law? The expression that, the law is an ass, finds roots in the situation presented.

Judaism has consistently endeavored to proclaim and effectuate the equality of the sexes in society. Not so in the situation discussed.

No half-way remedies will do. Let there be a convocation equivalent to a small Sanhedrin, composed of some of the faculty of the Jewish Theological Seminary and/or other similar bodies. Let them resolve that the interpretation made over the centuries of Deuteronomy 24:1-4, as

empowering a husband to dissolve his marriage by merely delivering to his wife a divorce document executed by him and dismissing her from his home, is no longer desirable and socially acceptable, and that upon a reassessment, be it resolved that when a husband and wife are civilly divorced, both parties shall be entitled to a religious divorce without the consent of the other.

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On Reaching Ninety

(Continued from Page 4)

cross out the entire return address but I never seem to cross out the word "Jewish" in Brooklyn Jewish Center. He wondered whether this was merely accidental, or was it intentional. "Son", I answered, "It definitely is not by chance! It is always done intentionally. I could never get myself to cross out the word Jewish or Jew any more than I could cross out the word God, which is, of course, forbidden." To me, the very words "Jewish" and "Jew" are sacred, — words which penetrate my heart and rule my heart with great love. To serve Judaism and to serve the cause of the Jew is the greatest privilege of my life.

I must conclude now, my friends. I do not wish to take up too much of your time, but there is another story recounted in the Talmud which is pertinent. It speaks about the prophet Samuel who, though he died when he was only fifty-two years of age, was a man of great achievement. He formulated a special prayer for himself to recite every day: "Sovereign of the Universe, as in the case of Moses and Aaron, the work of whose hands did not come to naught during their lifetime, so too, I pray, let not the work of my hands come to naught in my lifetime."³ I would repeat this prayer, but would go one step further, adding this phrase: "Lord of the Universe, let not the work of my hands come to naught not only during my lifetime, but also for years and years, — aye, for ages after my lifetime.

References: 1) Taanit 5b; Shabbat 152b. 2) Megillah 27B. 3) Taanit 5b.

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NEW YEAR GREETINGS FROM OFFICERS AND STAFF

On the eve of the Jewish New Year 5739, the officers of the Brooklyn Jewish Center extend to all the members and friends of our institution their best wishes for a year of health, happiness and joy. May we, together with all mankind, be blessed with peace and prosperity.

In this hour, as the New Year is ushered in, we, the officers of this institution, take this opportunity of thanking all our members for their devotion and loyalty to our Center. We are confident that with the co-operation of our membership the year 5739 will be crowned with new achievements and success in our work on behalf of our community and our people.

L'Shonah Tovo Tikosevu!

Benjamin Markowe, President
Emanuel Cohen, Hon. President
Louis Kramer, Vice-Pres.
Abraham M. Lindenbaum, Vice-Pres.
Benjamin Moskowitz, Vice-Pres.
Julius Kushner, Hon. Vice-Pres.
Meyer Abrams, Treasurer
Aaron Gottlieb, Hon. Treasurer
Murray T. Feiden, Secretary

From the Center Staff

The Center Staff extends to the Rabbis, Officers, Trustees, Governors and members of the Brooklyn Jewish Center and their families cordial greetings and best wishes for the New Year.

From the Sisterhood

The officers of the Sisterhood extend heartiest New Year Greetings to all of our members and their families. Sisterhood looks back with pride and satisfaction on its activities during the year

5738 and hopes for an even more successful season in 5739.

With best wishes for a Shono Tova Umesuka.

Mrs. Julia Spevack, President
Mrs. Anne Bernhardt
Mrs. Ida Cohen
Mrs. Sylvia Kramer
Mrs. Betty Marks
Vice Presidents

Mrs. Gertrude Farb, Rec. Secy.
Mrs. Molly Markowe, Corr. Secy.
Mrs. Ann Beris, Soc. Secy.
Mrs. Sylvia Moskowitz, Treas.

From the Men's Club

The officers of the Men's Club wish all its members, families and friends a year of health and good tidings and a year that will bring true peace to our beloved land, to the State of Israel and all mankind.

We invite each and everyone of you to participate in this coming year's events.

May the Lord bless the entire Center and may we and our families all be inscribed in the Book of Life and Happiness.

L'Shonah Tovo Tikosevu.

Stanley Bresnick
President
Louis Kramer
Dr. Milton Schiff
Louis Moskowitz
Honorary Presidents

Isaac Franco
Chas. Marks
Archie Levinson
Vice Presidents
Max Greenseid
Financial Secretary
Murray Greenberg
Administrative Assistant

News of The Center

SABBATH WORSHIP

Friday, October 6
Kindling of Candles: 6:10 P.M.
Services: 6 P.M.

SABBATH MORNING SERVICES

October 7 at 8:30 A.M.
SHABBAT SHUVAH
Sidra: VAYELEKH
Deuteronomy 31
Prophets: Hosea 14:2 - 10;
Micah 7:18 - 20; Joel 2:15 - 27

* * *

Friday, October 13
Kindling of Candles: 5:59 P.M.
Services: 6 P.M.

SABBATH MORNING SERVICES

October 14 at 8:30 A.M.
Sidra: HAAZINU
Deuteronomy 32
Prophets: II Samuel 22: 1- 51

* * *

Friday, October 27
Kindling of Candles: 5:39 P.M.
Services: 5:30 P.M.

SABBATH MORNING SERVICES

October 28 at 8:30 A.M.
Blessing of New Month of Heshvan
which will be observed on Tuesday
and Wednesday, October 31 and
November 1

Sidra: BERESHIT
Genesis 1:1 - 6:8
Prophets: Isaiah 42:5 - 43:10

* * *

RABBI HAYMOVITZ
will preach the sermons on all
Sabbath and Festival mornings.

CANTOR BERKOVITCH
will officiate on Sabbath mornings,
October 14 and 28, and all Festivals.

**SATURDAY MINHA SERVICES
FOLLOWED BY SHALOSH SEUDOT
AND MAARIV at 5:30 P.M.**

High Holy Days Services

Rosh Hashanah

Services for Rosh Hashanah will be held on Sunday and Monday evenings, October 1 and 2 respectively at 7:00 o'clock; and Monday and Tuesday mornings, October 2 and 3 at 7:30 o'clock. The Torah reading will commence at 9:15 A.M. The shofar will be sounded both mornings at 10:15 A.M. All Worshippers are requested to be in their seats before that hour. The sermon on both days will be preached at about 10:30 A.M. The doors will be closed while the sermon is delivered. The Musaf services will begin at 11:00 o'clock and the services will finish at approximately 1:15 o'clock.

Rosh Hashanah Sermons

The sermons will be preached on both days of Rosh Hashanah at 10:30 o'clock, by Rabbi Haymovitz.

Yom Kippur

The Kol Nidre service which ushers in the Fast of Yom Kippur will be held on Tuesday evening, October 10, at 6:30 o'clock.

Yom Kippur services will begin on Wednesday morning, October 11, at 8:30 o'clock. The Yizkor service will be held at 11:15 A.M.

On Yom Kippur Eve, the sermon by Rabbi Haymovitz will be preached immediately after the chanting of Kol Nidre. On Yom Kippur morning, the sermon by Rabbi Haymovitz will follow the Memorial Services.

Cantor and Choir to Officiate in Main Synagogue

Rev. Efim Berkovitch will officiate at the services to be conducted on Rosh Hashanah and Yom Kippur in the Main Synagogue. He will be assisted by the

Choir under the direction of Mr. Aron Dinovitzer.

Candle Lighting During High Holy Days

Candles will be lit for the Rosh Hashanah holidays on Sunday, October 1 at 6:19 P.M. and Monday, October 2 at 7:23 P.M.

On Tuesday evening, October 10 (Kol Nidre Eve), candles will be lit at 6:04 P.M.

Yizkor Services

For the benefit of the community, those without tickets, will be admitted to the Main Synagogue, to participate in the Yizkor services on Yom Kippur, Wednesday, October 11 at 11:15 A.M.

Holiday Gym Schedule

The Gym and Baths Department will be closed Monday and Tuesday, October 2-3 for the Rosh Hashanah holiday and will reopen on Wednesday, October 4 for men.

The following week, the Department will be closed Wednesday, October 11, for Yom Kippur and will reopen Thursday, October 12 at 10:00 A.M. for women and at 3:00 P.M. for men.

SPONSORS OF MISHNA CLASS BREAKFASTS FOR OCTOBER

On October 8, Chairman Abraham M. Lindenbaum, on his mother's Yahrzeit.

On October 15, Mr. and Mrs. Lawrence Schiff.

On October 22 (Hoshana Rabbah) Louis and Moe Mark.

On October 29, Edward Isaacs.

All registered members of the Mishna Class are invited to these breakfasts. To arrange sponsorship of a breakfast, see Mr. Isaac Franco.

SUKKOT SERVICES

Kindling of Candles

Sunday, October 15: 5:56 P.M.

Monday, October 16: 7:00 P.M.

Services: 6:00 P.M.

Monday and Tuesday mornings

October 16 and 17: 8:30 A.M.

SHABBAT HOL HAMOED SUKKOT

Friday, October 20

Kindling of Candles: 5:51 P.M.

Shabbat, October 21: 8:30 A.M.

Exodus 33:12-34:26;

Numbers 29:26-31

Prophets: Ezekiel 38:18-39:16

MINHA SERVICES

Sabbath afternoon, October 21 at 4:00 P.M.

Mr. and Mrs. Harold Shapiro will sponsor the Shalosh Seudot in the Sukkah. The program will feature Yiddish Songs and Lore with an interesting speaker.

MAARIV SERVICES

will conclude the program.

HOSHANA RABBAH SERVICES

Sunday, October 22 at 7:00 A.M.

CONCLUDING SUKKOT SERVICES

Kindling of Candles

Sunday, October 22: 5:46 P.M.

Monday, October 23: 6:49 P.M.

Services: 6:00 P.M.

Monday and Tuesday mornings

October 23 and 24: 8:30 A.M.

Memorial (Yizkor) Services on

Monday, October 23: 10:15 A.M.

* * *

SISTERHOOD'S ANNUAL LUNCHEON

In Honor of Past President

SARAH KLINGHOFFER

Thursday, November 9 at noon

Reserve the Date!

Belle Franco, Chairman

Betty Marks, Co-Chairman

CALENDAR DIARIES

1978/5739 Calendar Diaries are available for the asking at the Main Desk. We are indebted to Riverside Memorial Chapel for its kindness in providing diaries for our members.

THE NER TAMID, THE SEFER TORAH AND THE NIMITZ

Without a doubt you do recall the presentation of a Sefer Torah by the Center to the chapel aboard the USS Nimitz two years ago. This was an event sparked by a longing expressed by Irving Bernhardt (recent benedict) of the Nimitz' complement.

Amongst the large group that mainly flew to Norfolk, Va., to make the presentation was our Gabbai Jacob Hoffman. While on board the huge vessel, Mr. Hoffman pledged an Eternal Light for the chapel. He couldn't carry out his word immediately as shortly after the ceremony, the great nuclear-powered ship left on a cruise.

Earlier this year he heard that the Nimitz would be in Haifa around Passover time. He thought

it would be an opportune moment to keep his promise, since he had planned to be in Israel for the Festival.

But it wasn't easy to perfect the plan. Permission to hold the dedication in the port city first had to be obtained. The American embassy was extremely strict about allowing people on to the ship. Only Premier Begin and other high-ranking government officials were amongst the invited guests to board the vessel.

The curtain of red tape was penetrated with the help of a young woman, Rinah Levy, a highly-placed officer in the Israeli Navy. Our Gabbai had met her through a landsman's grandson, who was connected with Israel's

naval forces. Mr. Hoffman succeeded in getting leave to go aboard for the Ner Tamid presentation.

In the company of leading Israeli naval officers and Haifa's Chief Rabbi She'ar Yashuv Cohen, brother-in-law of Chief Rabbi Goren, he was taken by tender to the Nimitz riding at anchor in the port.

Rabbi Cohen read a Psalm and spoke touching words about the chapel, and the amity between America and Israel. Mr. Hoffman chanted, "The earth is the Lord's and the fullness thereof," in the melody this Psalm is sung on the High Holy Days, after the Maariv service.

"The Eternal Light is our nuclear weapon," says Mr. Hoffman. "Through its holy flame and radiance the Jewish people, with God's help, will overcome all its enemies and pretended friends." What Anne Bernhardt's son Irving started was given a finishing touch with the Ner Tamid. - - ALBRASH

RABBI MORDECAI M. KAPLAN CONGRATULATES RABBI LEVINTHAL

The Center received the following message from Professor Mordecai M. Kaplan, (who for the last number of years resides in Jerusalem) on the occasion of Rabbi Levinthal's 90th Birthday

celebration:

"Rabbi Levinthal is the first outstanding graduate of the Jewish Theological Seminary, who realized the significance of converting the synagogue into a

Center, as a means of assuring the survival of the Jewish people on the American continent.

"Please convey to Rabbi Levinthal my heartfelt wishes for his health and happiness for many more years. Mordecai M. Kaplan"

Professor Kaplan himself celebrated his 97th birthday last June. We join his disciples and admirers in wishing him *ad meah v'esim shanah* good health and continued creative achievement.

Start The

New Year

Right !!

Let's Begin

Our New Season

With A

Record Enrollment!

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THE LIFELOOD OF EVERY
INSTITUTION.

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Make these purchases at the Center!

Reserve

THURSDAY EVENING
OCTOBER 26, 1978

for our
ANNUAL MEETING

Election of Officers

* Annual Report by our President,
Mr. Benjamin Markowe

* Refreshments and Entertainment
Social Hour

Superlative Center Catering Service!

The beautifully decorated ballrooms of the Center provide the finest facilities for catering your party.

There are separate rooms for each part of the affair: the Temple, the Bridal Room, the Reception Rooms and the Dinner Room.

The Gold and White motif of the lobby and the spacious ballrooms permit the use of any table decor you may choose.

Attractive price arrangements make it advantageous and conducive for you to visit our Center's Catering Department.

Our Parking Lot is conveniently located adjacent to the Center Building.

Call our Office for arrangements.

Rosh Hashanah Greetings

New Year Greetings

FROM

MR. and MRS.

JEFFREY AARON

AND FAMILY

57-68 228th Street

Bayside, N.Y.

New Year Greetings

from

HON. and MRS.

A. DAVID BENJAMIN

AND FAMILY

20 Plaza Street

Greetings
for the
New Year

FROM

MR. and MRS.

EMANUEL COHEN

10 Plaza Street

A Very Happy

New Year

FROM

MR. and MRS.

EDWARD ISAACS

IN FOND REMEMBRANCE ON THE
HIGH HOLY DAYS

על זה אנו בוכים

In Loving Memory of SARAH H. KUSHNER

קמו בניה ויאשרוה

בעלה ויהללה

רבות בנות עשו חיל

ואת עלית על כלנה

Therefore do her children bless her,
And her husband also praises her,
Saying "Many women have done valiantly
But you excelled them all."

MR. JULIUS KUSHNER

RABBI and MRS. HAROLD KUSHNER
and Family

RABBI and MRS. PAUL KUSHNER
and Family

IN FOND REMEMBRANCE ON THE
HIGH HOLY DAYS

JUDGE JOSEPH A. SOLOVEI
DR. SAMUEL SOLOVEI
and Loving Parents,
JACOB and RACHEL SOLOVEI

BRUNICE BLAUSTEIN
Loving Daughter of
ANNA B. SOLOVEI

BY

SARAH and ANNA SOLOVEI

215 East 68th Street
New York, N.Y. 10021

Best Wishes

From

STANLEY STEINGUT
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of the 41st A. D.

and the entire

Madison Club

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MRS. PAULINE HURWITZ
and Family

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from

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MR. and MRS.

JULIUS LEVENTHAL

MAX S. BRITVAN

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AND CHILDREN

Dr. ERNEST and MAUREEN

STEVEN and BRENDA

AND GRANDCHILDREN

CLIFF and ETTA

SANDY and DEBBIE

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Hartsdale, N. Y. 10530

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9 Prospect Park West

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AND FAMILY

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To All Our Dear Friends
A HAPPY NEW YEAR

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Children and Grandchildren
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to the
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Appeal



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DAVID HAYMOVITZ, *Rabbi*

BENJAMIN MARKOWE, *President*
LOUIS KRAMER, *Chairman*

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- (b) a gift of life insurance policy
- (c) a trust naming the Center as beneficiary

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MAURICE KOZINN

Chairman,,

Legacy Development Committee

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